

Message Text

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ACTION ARA-14

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SUBJECT: INTER-AMERICAN ASSOCIATION OF ATTORNEYS GENERAL --
NARCOTICS WORKING GROUP

REF: QUITO A-68, SEPTEMBER 27, 1977

1. BEGIN SUMMARY: THE INTER-AMERICAN ASSOCIATION OF ATTORNEYS GENERAL, WITH THE PARTICIPATION AND COOPERATION OF THE USG, HAS ESTABLISHED A PERMANENT WORKING GROUP TO DRAFT A NUMBER OF DOCUMENTS PERTAINING TO THE EFFORT AGAINST NARCOTICS TRAFFICKING. THE EMBASSY BELIEVES THAT SUCCESSFUL NEGOTIATION AND ADOPTION OF THESE LEGAL INSTRUMENTS COULD HAVE A VERY FAVORABLE IMPACT ON OUR INTERNATIONAL NARCOTICS EFFORT. UNFORTUNATELY, A COMMUNICATIONS AND COORDINATING GAP HAS GROWN WITHIN THE USG WITH REGARD TO THE ESTABLISHMENT AND DEVELOPMENT OF THAT WORKING GROUP. EMBASSY RECOMMENDS THAT THE DEPARTMENT ASSUME RESPONSIBILITY FOR COORDINATING BETWEEN THE DEPARTMENT OF JUSTICE AND EMBASSIES ALL USG ACTIVITIES CONNECTED WITH IT.
END SUMMARY.

2. BACKGROUND. THE INTER-AMERICAN ASSOCIATION OF ATTORNEYS GENERAL IS AN INFORMAL, UNOFFICIAL HEMISPHERIC ORGANIZATION THAT HAS HAD A FITFUL QUARTER-CENTURY OF UNCLASSIFIED

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EXISTENCE. THE USG DID NOT PARTICIPATE IN THE ASSOCIATION, ALTHOUGH WE HAVE ALWAYS BEEN INVITED, UNTIL ITS SIXTH CONGRESS, HELD IN QUITO IN SEPTEMBER 1977. IN AUGUST 1977 A DECISION WAS MADE IN THE JUSTICE DEPARTMENT TO PARTICI- PATE, APPARENTLY BECAUSE OF JUSTICE INTEREST IN PROMOTING EFFECTIVE ACTION BY THE HEMISPHERIC ATTORNEYS GENERAL (A.G.S) AGAINST NARCOTICS TRAFFICKING. ASSISTANT A.G. JOHN

M. HARMON REPRESENTED THE ATTORNEY GENERAL OF THE U.S. AT THE SIXTH CONGRESS, ASSISTED BY EMBOFF MICHAEL COTTER. HARMON RETURNED TO WASHINGTON EARLY IN THE CONGRESS LEAVING COTTER AS THE SOLE US DELEGATE WITH DETAILED INSTRUCTIONS BY HARMON TO OFFER USG COOPERATION IN ANTI-NARCOTICS INITIATIVES.

3. THE ACCOMPLISHMENTS OF THE CONGRESS WERE DESCRIBED IN DETAIL IN REFAIR, THE MAJOR ONE FROM THE USG POINT OF VIEW BEING A DECISION TO FORM A PERMANENT WORKING GROUP THAT WOULD PREPARE, FOR THE CONSIDERATION OF HEMISPHERIC GOVERNMENTS, A NUMBER OF DRAFTS. INCLUDED WERE: A MODEL LAW FOR NARCOTICS CONTROL (INCLUDING UNIFORM PENALTIES), A DRAFT EXTRADITION TREATY COVERING NARCOTICS OFFENSES, AND DRAFT EXTRADITION PROCEDURE TO INSURE PROMPT EXTRADITION OF NARCOTICS OFFENDERS. THE USG, ALONG WITH A NUMBER OF OTHER COUNTRIES, OFFERED TO FORM A PART OF THIS WORKING GROUP WHICH WAS ESTABLISHED UNDER THE STRONG LEADERSHIP OF PERUVIAN A.G. DIAZ POMAR. DIAZ POMAR AGREED TO HOST THE FIRST OF THE WORKING GROUP MEETINGS AND TO ORGANIZE ITS WORK.

4. PROBLEM OF USG COORDINATION. UNFORTUNATELY, CONTINUING USG PARTICIPATION IN THIS ENTERPRISE HAS NOT BEEN ADEQUATELY COORDINATED WITHIN THE USG. IN APRIL DIAZ POMAR WAS IN QUITO TO COORDINATE WORKING GROUP PROGRESS WITH THE UNCLASSIFIED

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ECUADOREAN A.G. HE CONTACTED THE EMBASSY AND DISCUSSED WITH EMBOFFS HIS PLAN FOR A WORKING GROUP MEETING IN MAY OR JUNE. EMBASSY REPORTED THAT INFORMATION (QUITO 2641) ALONG WITH A REQUEST FOR CERTAIN MATERIALS SOUGHT BY DIAZ POMAR. THAT MESSAGE INADVERTENTLY DID NOT INCLUDE JUSTICE AS AN INFO ADDRESSEE. FOR WHATEVER REASON, EMBASSY NEVER RECEIVED A RESPONSE TO IT.

5. ALSO IN APRIL THE EMBASSY RECEIVED A LETTER FROM HARMON ENCLOSING A LETTER HE HAD RECEIVED FROM THE GUATEMALAN A.G. WHICH RAISED QUESTIONS ABOUT THE LEGAL STATUS OF THE ASSOCIATION OF ATTORNEYS GENERAL. HARMON'S LETTER REQUESTED EMBOFF COTTER'S OPINION ABOUT THE PROBLEM AND RECOMMENDATIONS FOR A RESPONSE. EMBASSY RESPONDED AND SENT A COPY OF ALL OF THE CORRESPONDENCE TO L/ARA INVITING THE DEPARTMENT'S ATTENTION TO THE MATTER.

6. FINALLY, ON MAY 31, EMBASSY CABLED QUITO 3641, WHICH WAS A FOLLOW-UP TO QUITO 2641, REQUESTING ONCE AGAIN THE MATERIALS SOUGHT BY DIAZ POMAR. ON THIS OCCASION THE CABLE WAS DIRECTED FOR ACTION TO JUSTICE AND INFO TO THE DEPARTMENT. ON JUNE 5 THE EMBASSY RECEIVED A RESPONSE

FROM JUSTICE, WITH NEITHER THE DEPARTMENT NOR EMBASSY LIMA INCLUDED AS INFO ADDRESSEES. THAT CABLE (THE TEXT OF WHICH WAS REPEATED IN QUITO 3823) INDICATED THAT JUSTICE HAD NOT HEARD OF A JUNE MEETING OF THE WORKING GROUP AND REQUESTED THAT THE EMBASSY INQUIRE OF THE GOE WHETHER THE USG IS TO BE INVITED. THIS INDICATES BOTH THAT JUSTICE IS NOT GETTING NECESSARY INFORMATION, ALTHOUGH IT IS THE PRIMARY USG ACTION AGENCY ON THIS MATTER, AND THAT JUSTICE IS NOT DIRECTING ITS INQUIRIES FOR SUCH INFORMATION TO THE APPROPRIATE OFFICES.

7. THE EMBASSY BELIEVES THAT SUCCESSFUL NEGOTIATION AND ADOPTION BY COUNTRIES OF THIS REGION OF THE LEGAL INSTRUMENTS BEING STUDIED BY THE ASSOCIATION COULD HAVE A VERY FAVORABLE IMPACT ON OUR INTER-
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NATIONAL NARCOTICS EFFORT. WE BELIEVE THE USG SHOULD ENCOURAGE AND PARTICIPATE FULLY IN THE ASSOCIATION'S WORK IN THE NARCOTICS FIELD.

8. ACTION REQUESTED: THE EMBASSY REQUESTS THAT THE DEPARTMENT PROMPTLY IDENTIFY AN ACTION OFFICE TO BE CHARGED WITH COORDINATING EFFORTS BETWEEN JUSTICE AND OTHER INTERESTED USG AGENCIES AND EMBASSIES IN THE FIELD.

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